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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JANE DOE,

Plaintiff,

v.

CITY OF SAN MATEO, et al.,

Defendants.

Case Number: C07-05596 SI

**[PROPOSED] ORDER GRANTING  
CITY OF SAN JOSE'S MOTION TO  
DISMISS THE FIRST AMENDED  
COMPLAINT**

Date: October 3, 2008

Time: 9:00 a.m.

Courtroom: 10

Judge: Hon. Susan Illston

The hearing on the Motion to Dismiss of defendant CITY OF SAN JOSE ("City") to the first amended complaint ("FAC") of plaintiff JANE DOE ("Plaintiff") was heard in Courtroom 10 of this Court on October 3, 2008, and having read and considered the Motion, the memoranda of points and authorities in support thereof, and having heard oral argument by the parties,

**IT IS ORDERED THAT:**

1. The City's Motion to Dismiss is GRANTED for failure to state a claim against the City under 42 U.S.C. § 1983 upon which relief can be granted; and

2. The City's Motion to Dismiss is GRANTED for failure to state a claim against the City under 42 U.S.C. § 1985 upon which relief can be granted; and

3. Leave to amend is denied.

DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. SUSAN ILLSTON  
JUDGE OF THE DISTRICT COURT